



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 7, 1998

Mr. John Steiner  
Division Chief  
City of Austin  
Law Department  
P.O. Box 1546  
Austin, Texas 78767-1546

OR98-0899

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 114804.

The City of Austin (the "city") received a request for a certain offense report. You state that the city will release to the requestor "first page" information on the report. You assert that the remaining information is excepted from required public disclosure based on sections 552.103 and 552.108 of the Government Code.

Section 552.108 of the Government Code reads in pertinent part as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

...

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

You state that the requested records pertain to a pending criminal investigation and the city forwarded the case to the district attorney for review. We therefore believe that the release of the information would interfere with the detection, investigation or prosecution of crime. Section 552.108 is inapplicable to "basic information about an arrested person, an arrest, or a crime." We believe such "basic information" refers to the front page offense report information held to be public in *Houston Chronicle Publishing Company. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Accordingly, with the exception of the basic information, the city may withhold the requested information from the requestor based on section 552.108(a)(1) of the Government Code.

In light of our decision under section 552.108, we need not address your section 552.103 claim at this time. We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Hastings  
Assistant Attorney General  
Open Records Division

KHH/rho

Ref.: ID# 114804

Enclosures: Submitted documents

cc: Mr. Thomas Stuckey  
8100 Rockwood Lane  
Austin, Texas 78757  
(w/o enclosures)